

Message Text

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ACTION DLOS-04

INFO OCT-01 AF-06 EUR-12 NEA-10 ISO-00 IO-10 SS-15 SSO-00

FEA-01 ACDA-05 AGR-05 AID-05 CEA-01 CEQ-01 CG-00

CIAE-00 CIEP-01 OFA-01 COME-00 DODE-00 DOTE-00 EB-07

EPA-01 ERDA-05 FMC-01 TRSE-00 H-02 INR-07 INT-05

JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OES-03 OMB-01

PA-01 PM-04 PRS-01 SP-02 USIA-06 ARA-06 EA-07 /146 W

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P R 090345Z SEP 75

FM AMEMBASSY COLOMBO

TO SECSTATE WASHDC PRIORITY 3362

INFO AMEMBASSY ALGIERS PRIORITY

AMEMBASSY MOSCOW

USUN PRIORITY 395

AMEMBASSY YAOUNDE

C O N F I D E N T I A L SECTION 1 OF 4 COLOMBO 2836

FOR UNDER SECRETARY MAW FROM RATINER AND ESKIN

EO 11652: GDS

TAGS: PLOS

SUBJ: LOS: TEAM CONSULTATIONS WITH PAUL ENGO IN YAOUNDE

1. LOS TEAM RATINER AND ESKIN ACCOMPANIED BY DCM FRIEDMAN
HELD SIX MEETINGS WITH PAUL ENGO, TECHNICAL COUNSELOR,
CAMEROON FONMIN AND CHAIRMAN, COMMITTEE I LOS CONFERENCE
(CI) SEPT 2-4

IN YAOUNDE ON DEEP SEABED NEGOTIATING
ISSUES. IN ADDITION TEAM SPENT EVENINGS OF EACH DAY
WITH ENGO IN SOCIAL SETTINGS BUT WITH OPPORTUNITIES FOR
SUBSTANTIVE DISUCSSIONS. AMB HOSTED SMALL LUNCH
FOR ENGO AND TEAM ON SEPT 4.

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2. GENERAL OBSERVATIONS: ENGO WAS MORE RELAXED AND

SELF-CONFIDENT THAN WE HAVE SEEN HIM BEFORE DURING LOS CONFERENCE SESSIONS. HE DID NOT SHOW AUTHORS PRIDE IN SINGLE NEGOTIATING TEXT HE PREPARED AT END OF GENEVA SESSION, WAS NOT OVERWHELMED BY THE NUMBER OF OUR ADVERSE COMMENTS AND SEEMED GRATEFUL FOR OUR WRITTEN PAPER WHICH HE PARTIALLY READ WHILE TEAM WAS IN YAOUNDE. HE WAS REASONABLY FLEXIBLE ON MOST OF CHANGES THOUGH SHOWED NO FLEXIBILITY ON SUCH CRITICAL QUESTIONS AS ARTICLE 9 (ON ECONOMIC IMPLICATIONS) OR POLICY-MAKING POWERS OF THE ASSEMBLY. HE COMMENTED REPEATEDLY THAT AT OAU KAMPALA MEETING ON CI ISSUES (WHERE HE "RELUCTANTLY" WAS PUSHED INTO CHAIR) HE FOUGHT AGAINST TREND OF OAU EXPERTS TO ZTDORSE HIS TEXT BECAUSE, HE ASSERTED, HE WAS WORRIED ABOUT AFRICAN GROUP RIGIDITY ONCE THEY TOOK OVER HIS TEXT. DESPITE THIS ALLEGED TREND TO ENDORSE HIS TEXT, ENGO CLAIMS HE THOUGH TEXT WELL BALANCED EVEN ON ARTICLE 9, ASSEMBLY POWERS AND COUNCIL COMPOSITION AND VOTING. HE THOUGH "ONLY MAJOR PROBLEM" WAS ARTICLE 22 (SYSTEM OF EXPLOITATION) AND WARNED TEAM THAT USG SHARED NOT RAISE ANY OTHER PROBLEMS WITH TEXT IF HE SOLVES ARTICLE 22 PROBLEM. HE SEEMED TROUBLED BY OUR INSISTENCE THAT USG HAS MANY MAJOR PROBLEMS WITH TEXT AND THAT IT WOULD SIMPLY NOT BE ADEQUATE TO SOLVE ARTICLE 22 ALONE. REMAINDER THIS CABLE SETS FORTH HIGHLIGHTS OF DISCUSSION OVER THREE-DAY PERIOD. US PAPER WAS PRESENTED TO ENGO AS INFORMAL DOCUMENT DRAFTED BY RATINER DURING INTER-AGENCY REVIEW OF SINGLE NEGOTIATING TEXT. TEAM EMPHASIZED THAT PAPER WAS PRELIMINARY, MIGHT WELL BE CHANGED IN FUTURE AND DID NOT NECESSARILY REFLECT ALL US CONCERNS. ENGO THANKED US FOR MAKING CLEAR THE INFORMAL AND PREQZMINARY STATUS OF THE PAPER.

3. PINTO-ENGO CONFLICT: ENGO STILL ANGRY AT PINTO. REFUSED TO READ PINTO II TEXT IN GENEVA AND CLAIMS HE HAS NEVER EAD IT AND HAD NO IDEA THAT ANY NEGOTIATIONS TOOK PLACE BEHIND THE SCENES AT GENEVA. SAYS HE THREW IT AWAY AND ASKED WITHOUT TOO MUCH CONFIDENTIAL

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ENTHUSIASM IF RATINER WOULD SEND HIM A COPY. HE REMARKED THAT IF PARTS OF IT NEGOTIATED ALREADY, PERHAPS IT GOOD THAT UN DID NOT PUBLISH IT SO IT CAN BE USED IN FUTURE AS SOURCE OF COMPROMISE LANGUAGE. HOWEVER, AT OTHER TIMES HE INSISTED THAT "CO-SPONSORS" OF NEGOTIATED ARTICLES MUST STEP FORWARD AND "PROPOSE" THOSE COMPROMISES. HE APPEARED TO HAVE NO UNDERSTANDINGWXQ CHAIRMAN'S ROLE IN DRAFTING TO CAPTURE EMERGING

CONSENSUS WITHOUT FORCING DLEGATES TO TAKE A PUBLIC POSITION. HIS CHIEF COMPLAINT AGAINST PINTO WAS FAILURE TO KEEP HIM INFORMED DURING GENEVA NEGOTIATION AND FAILURE TO TURN IN DRAFT TREATY TO ENGO ON TIME. IN LONG PRIVATE CONVERSATION AT HIS HOME RATINER TOLD ENGO PINTO SEEMS KNOW HE DID WRONG NOT TO KEEP ENGO FULLY BRIEFED AND HAS LEARNED FROM THIS EXPERIENCE. RATINER SUGGESTED THAT, IN FUTURE, ENGO LEOBABLY CAN EXPECT TO BE WELL SERVED BY PINTO WHO CAN DO VALUABLE TECHNICAL

WORK FOR ENGO. RATINER POINTED OUT TO ENGO THAT PINTO WAS IN LARGE PART MOTIVATED BY PROFESSIONAL INSTINCT TO DO COMPLETE STAFF WORK AND TO BE ABLE TO PRESENT ENGO WITH FINISHED PRODUCT AND FEWEST NUMBER OF HEADACHES FOR ENGO. RATINER POINTED OUT TO ENGO THAT PINTO WAS IN LARGE PART MOTIVATED BY PROFESSIONAL INSTINCT TO DO COMPLETE STAFF WORK AND TO BE ABLE TO PRESENT ENGO WITH FINISHED PRODUCT AND FEWEST NUMBER OF HEADACHES FOR ENGO. RATINER ALSO SAID THAT ENGO SHOULD USE FIRM HAND IN REQUESTING BRIEFING AND PARTICIPATING IN SMALL INFORML MEETINGS TO HELP AVOID PINTOS NATURAL TENDENCY TO PUT TOGETHER A PACKAGE IN THIS MANNER. ENGO RESPONDED MOST GRACIOUSLY TO THIS EXPLANATION AND WAS OBVIOUSLY FLATTERED. ENGO FINALLY AGREED THAT HE WOULDHFOT RESTRICT PINTO BUT THAT HE, ENGO, WILL CHAIR ALL NEGOTIATING SESSIONS SO AS TO STAY ON TOP OF CI. HE SAID PINTO COULD BE "IN CHARGE" OD DRAFTING UNDER ENGO'S CLOSE SUPERVISON. IN SHORT, ENGO SEEMS WILLING TO RETURN TO ORIGINAL STRUCTURE OF CI BUT WITHHIMSELF AS CHAIRMAN OF ALL CI ORGANIZED
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SUBCOMPONENTS. HE WILL LET PINTO DO "TEDIOUS, BORING" JOB OF WORKING OUT TREATY LANGUAGE WHILE HE, ENGO, WILL DEAL WITH BIG ISSUES AND ENSURE THAT HE IS WELL INFORMED. UNDER THIS SCENARIO ENGO THINKS THE BROAD POLTICIAL NEGOTIATIONS WILL BE BROUGHT TO A SUCCESSFUL CONCLUSION UNDER HIS HAND. COMMENT: ENGO WILL PROBABLY NOW FORMALLY DEPOSE PINTO BUT HE PREPARED INFORMALLY TO KEEV HIM WORKING AS HIS CHIEF AIDE AND DRAFTER. ENGO WILL CONVENE GROUP OF "FRIENDS OF EM9" (FOE) TO CARRY ON BROAD POLICY DISCUSSIONS. HE SEEMS QUITE WILLING TO LET HIS TREATY BE CHANGED TO SEE COMPROMISE EMERGE OR RE-EMERGE PROVIDED IT HAPPENS WHERE ENGO NOT PINTO CAN GET THE CREDIT.

4. INTERSESSIONAL WORK: ENGO RESISTED COMMITTING

HIMSELF TO NEW YORK SESSION IN EARLY WINTER AND
PERSISTED IN VIEW THAT GROUP OF 20 OR 25 WILL MEET
IN YAOUNDE IN JANUARY. HE EXPLAINED THKDSBE IS BUSY
TEACHING IN JANUARY. HE EXPLAINED THAT HE IS BUSY
TEACHING IN YAOUNDE AND WOULD LOSE MONEY IF HE LEFT
COUNTRY IN MID-SEMESTER. HE ALSO INDICATED SOME
POTENTIAL DIFFICULTY GETTING FUNDS TO GO TO NEW YORK.
HE SAID HE WAS INVITED TO PACEM IN MARIBUS IN
OJQNAWA AT END OF SEPT SO TEAM SUGGESTED HE
RELBNN TO YAUNDE VIA SAN FRANCISCO (WHERE SOME
INDUSTRY BRIEFINGS OMR TECHNOLOGY CAN BE ARRANGED)
AND NEW YORK WHERE HE CAN HOLD INFORMAL INTER-SESSIONAL
MEETINGS. WE PROMISED TO TRY PERSUADE PACEM IN MARIBUS
SPONSORS TO PAY ADDITIONAL FARE FOR RETURN VIA US
(PER FRIDAY TELCON FROM PARIS REBECCA WRIGHT WILL
BE TALKING TO ELIZABETH MANN BORGHESE RE EXTRA FARE).
ENGO WILL NOT COMMIT HIMSELF TO NEW YORK MEETING
UNTIL HE KNBS WHEN ALGIERS CONFERENCE OF GROUP OF
77 ON LOS WILL OCCUR. DEPT SHOULD CABLE
YAUNDER (INFO COLOMBO) LATEST INFO FROM USUN OR
ALGIEC SMLN SCHUAULING OF CONFERENCE SO THAT IF NEW
YORK MEETING TAKES PLACE, UN SECRETARIAT CAN MAKE EFFORT
TO INVITE PEOPLE ON ENGO'S LIST WHO ARE NOT POSTED TO
NEW YORK (LIST BEING SENT SEPTTEL). ENGO AGREED THAT IF
EARLY OCT MEETING IN NEW YORK NOT POSSIBLAHHE WOULD
GO ALONG "IN PRINCIPLE" WITH MID-NOV IN NEW
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YORK. IT CLEAR IT WILL BE NECESSARY TO KEEP PUSHING
HIM (THROUGH EMBASSY YAOUNDE AND THROUGH UN
CONFERENCE SECRETARIAT) SINCE HE AGREED TO THIS
CONTINGENCY VERY RELUCTANTLY. RE JANUARY MEETING IN
YAOUNDE HE CLAIMS SUPPORT FROM NEWLY APPOINTED
CAMEROON DEPUTY FONMIN BUT ENGO DOES NOT HAVE
DECISION TIED DOWN. TEAM GENTLY RAISED POTENTIAL
DIFFICULTIES WITH YAOUNDE AS CONFERENCE SITE BUT
ENGO BRUSHED THEM ASIDE. IF GOC GOES ALONG, MEETING
WILL BE SCHEDULED THERE AND TEAMS BEST GUESS IS THAT
MOST INVITEES WILL SHOW UP HOWEVER RELUCTANTLY. ENGO
DID NOT RPT NOT ASK FOR FINANCIAL OR OTHER
ASSISTANCE IN SETTING UP YAOUNDEMEETING. RE WORK
PRODUCT, ENGO SAID NO NEW DOCUMENT SHOULD BE PREPEARED
DURING INTERSESSIONAL PERIOD. INTERSESSIONAL
WORK HE FEELS SHOULD ONLY BE FOR DISCUSSION AND NEGOTI-
ATION. NEW DRAFT CAN, HE BELIEVES, BE PREPAREDONLY
AFTER LOS CONFERENCE CONVENES IN NEW YORK IN MARCH.
HE WAS COMPLETELY
UNRESPONSIVE TO ANY SUGGESTION THAT
NEW TREATY ARTICLES BE PREPARED IN ADVANCE ON
NY SESSION THOUGH HE AGREED TO WORK WITH US AND

OTHERS PRIVATELY ON AMENDMENTS AND NEW ARTICLES.

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NSC-05 NSF-01 OES-03 OMB-01 PA-01 PM-04 PRS-01 SP-02

USIA-06 AF-06 ARA-06 EA-07 EUR-12 NEA-10 /146 W

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P R 090345Z SEP 75

FM AMEMBASSY COLOMBO

TO SECSTATE WASHDC PRIORITY 3363

INFO AMEMBASSY ALGIERS PRIORITY

AMEMBASSY MOSCOW

USUN PRIORITY 396

AMEMBASSY YAOUNDE

C O N F I D E N T I A L SECTION 2 OF 4 COLOMBO 2836

FOR UNDER SECRETARY MAW FROM RATINER AND ESKIN

5. TIMING: ENGO ASSUMED THAT EVEN WITH POSSIBILITY OF TWO INTERSESSIONAL MEETINGS BEFORE MARCH, THAT LOS CONFERENCE WOULD HAVE TO HOLD TWO SESSIONS IN 1976 WITH POSSIBILITY OF 1977 SESSION TO "TIE DOWN DETAILS" AND SIGN TREATY.

6. KISSINGER MONTREAL SPEECH: ENGO SAID HE DID NOT WISH TO COMMENT TO EMBASSY BEFORE TALKING TO EAM BECAUSE HE VERY WORRIED ABOUT KISSINGER REFERZWCE TO "DIRECT EXPLOITATION BY STATES AND PERSONS". HE FEARED US WAS RETURNING TO LICENSY SYSTEM. TEAM SIAD THIS WAS A POSSIBILITY BUT JOINT

VENTURES STILL ACCEPTABLE IF PART OF OVER-ALL SATIS-
FACTORY PACKAGE. ENGO SAID "PLEASE DON'T DESTROY
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CONFERENCE BY RETURN TO LICENSING SYSTEM." IN OTHER
RESPECTS HE FOUND NO SURPRISES IN KISSINER SPEECH
AND WAS REASSURED TO LEARN THAT REFERENCE
TO ECONOMIC COMMISSION WAS NOT BE BE A SEPARATE
ORGAN BUT COULD BE ONE OF THE ORGANS OF THE AUTHORITY.

7. REGIME ARTICLES: WHILE ENGO WOULD NOT COMMIT
HIMSELF AT THIS STAGE HE WAS FLEXIBLE AND APPEARED
WILLING TO ACCEPT SUBSTANCE OF MOST OF OUR
AMENDMENTS EXCEPT AS FOLLOWS:

A) SCIENTIFIC RESEARCH: HE BELIEVED "CENTRE
FOR HARMONIZING AND COORDINATING RESEARCH" WAS
NOT MEANT TO CONSTITUTE A CLEARANCE PROCEDURE AND
THEREFORE SHOULD BE ACCEPTABLE TO US.

B) "ACTIVITIES IN THE AREA" DEFINITION: HE
COULD ACCEPT US CHANGES BUT MUST NOT INCLUDE SCIENTIFIC
RESEARCH EXPLICITLY IN THE DEFINITION. ENGO WAS
WILLING TO PKG IN "SUCH SCIENTIFIC RESEARCH AS IS
DIRECTLY RELATED TO EXPLORATION AND EXPLOITATION
OF THE RESOURCES."

C) ECONOMIC IMPLICATIONS (ARTICLE 9) MUST BE
NEGOTIATED FURTHER: HE KNEW US WOULD NOT LIKE
PARA ONE BUT THOUGHT PARA TWO GAVE EVERYTHING US
WANTED. HE WAS WILLING TO CONSIDER CHANGES TO PARA
TWO WHEN WE EXPLAINED WHY PARA TWO NOT ACCEPTABLE.
HE INDICATED NO FLEXIBILITY ON PARA ONE
WHICH, HE SAID, IS TAKEN DIRECTLY FROM DECLARATION
ON NEW ECONOMIC ORDER.

D) DISCRIMINATION: HE AGREED THERE COULD BE
NEW ARTICLE SPECIFICALLY LISTING PERMISSIBLE AREAS
OF DISCRIMINATION BUT DID NOT RPT NOT AGREE THAT
TREATY SHOULD FORBID DISCRIMINATION IN GRATING OF ACCESS.

E) DISPOSAL OF WRECKS: SEEMED AGREEABLE TO
DELETE PARA TWO OF ARTICLE 19 BUT QUESTION OF
DELETING WHOLE ARTICLE MUST BE TAKEN UP WITH
GREEKS AND TURKS.

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8. MACHINERY:

A) NAME OF AUTHORITY: ENGO SEEMED INCREDULOUS THAT US THOUGHT IT IMPORTANT THAT SEABED AUTHORITY BE CALLED SEABED "RESOURCE" AUTHORITY BUT NOTED OUR PROPOSAL.

B) WAS AGREEABLE TO THE CONCEPT THAT THE AUTHORITY SHOULD ADMINISTER THE RESOURCES AND NOT THE "AREA" AS IN PARA ONE OF ARTICLE 21.

C) JURISDICTION OF ORGANS, SEPARATION OF POWERS AND ASSEMBLY: ENGO ARGUED STRONGLY FOR LOCATING MAIN POWERS OF AUTHORITY CONCURRENTLY IN BOTH ASSEMBLY AND COUNCIL. TEAM INDICATED IN MOST FORCEFUL TERMS THAT USG CANNOT ACCEPT BASIC POLICY-MAKING ROLE OF ASSEMBLY AS IN ENGO TREATY (ARTICLE 26 PARA ONE), RESIDUAL POWERS IN ASSEMBLY (ARTICLE 26 PARA THREE), NON-EXHAUSTIVE LISTING OF POWERS (IN ARTICLE 26, PARA TWO); AND THAT USG WOULD HAVE TO INSIST ON ALL RESOURCE POLICY POWER BEING EXCLUSIVELY VESTED IN THE COUNCIL; THAT A NEW ARTICLE BE INCLUDED REQUIRING NON-INTERFERENCE WITH POWERS OF EACH ORGAN BY OTHER ORGANS AND THAT PROCEDURAL VOTE IN ARTICLE 25 PARA EIGHT TO OBTAIN ADVISORY OPINIONS ON LAWFULNESS OF ASSEMBLY DECISIONS REQUIRE ONE-FOURTH RATHER THAN ONE-THIRD. ENGO REPLIED THAT USG POSITION AS OUTLINED ABOVE WAS A "NON-STARTER." HE INSISTED THAT THE ASSEMBLY MUST HAVE OVER-ALL POLICY-MAKING POWER AND COUNCIL WOULD MAKE "IMPLEMENTING POLICY DECISIONS." TEAM ADVISED ENGO US SIGNATURE AND RATIFICATION UNLIKELY UNLESS USG AND OTHER DEVELOPED COUNTRIES SATISFIED ON THIS POINT. ENGO FINALLY SEEMED UNDERSTAND SERIOUSNESS OF US POSITION ON THIS ISSUE THOUGH IT CLEAR UNTIL NOW HE WAS ASSUMING US WOULD COMPROMISE ON THIS POINT. HE DID AGREE THAT SEPARATION OF POWERS ARTICLE RE NON-INTERFERENCE WITH THE POWERS OF EACH ORGAN ACCEPTABLE IN THOSE CASES WHERE ONE OR ANOTHER ORGAN IS GIVEN EXCLUSIVE POWERS.

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D) COUNCIL: ENGO SEEMED TO BELIEVE THAT INDUSTRIALIZED COUNTRIES COULD BLOCK DECISIONS IN THE COUNCIL UNDER FORMULA CONTAINED IN ENGO TEXT. TEAM EXPLAINED DIFFICULTIES WITH NUMBERS AND POSSIBLE VOTING ALIGNMENTS AND HE SHRUGGED OFF PROBLEM SAYING

NUMBERS COULD BE DISCUSSED "MUCH LATER" IN THE NEGOTIATIONS. TEAM MADE REPEATED ATTEMPTS TO RETURN TO NUMBERS BUT TO NO AVAIL. ENGO AGREED TO QUALIFY ARTICLE 27 (A) TO REQUIRE THAT THE SIX BE "THE MOST INDUSTRIALIZED." HE NOTED THAT WE WANT TO CHANGE REQUIRED VOTING MAJORITY TO THREE-FOURTHS IN ARTICLE 27, PARA SIX. HE ACCEPTED LANGUAGE OF US PROPOSAL FOR RULE-MAKING IN PARA XII OF ARTICLE 28 BUT INDICATED HE THOUGHT OUR LANGUJLK WAS NOT SUBSTANTIALLY DIFFERENT FROM HIS. HE WISHES TO AVOID COUNCIL ADOPTION OF RULES, HOWEVER, UNTIL AFTER 90-DAY SUBMISSION TO STATES. IT CLEAR THAT ENGO WANTS TO CREATE APPEARANCE THA AUTHORITY HAS FINAL SAY AFTER SOVEREIGN STATES HAVE TAKEN THEIR DECISIONS. HE REJECTED US PROPOSAL, PENDING FURTHER NEGOTIATION, TO DELETE PARA XI OF ARTICLE 28 ON ECONOMIC IMPLICATIONS. HE ALSO APPEARED TO REJECT NEW PARA ON COUNCIL POWER GIVING POLICY ROLE OVER RESOURCES TO COUNCIL.

E) ENGO TOOK CAREFUL NOTE OF OBJECTIONS TO ARTICLE 30 AND SEEMED TO UNDERSTAND IN PARTICULAR THAT WORD "AVOID" IN PARA TWO (A) WAS TOTALLY UNACCEPTABLE. HE APPEARED TO UNDERSTAND THAT "MINIMIZE" COULD INCLUDE COMPENSATORY SCHEMES AND ENGAGED US IN FAIRLY WIDE-RANGING DISCUSSION OF AD HOC COMMODITY ARRANGEMENTS. TEAM STATED THAT KISSINGER MONTREAL LOS SPEECH ONLY REFERS TO MONITORING AND THAT US CANNOT AGREE TO GIVING COMMISSION ECONOMIC PLANNING FUNCTIONS.

F) CREATION OF SEPARATE OPERATIONS COMMISSION:
ENGO STRONGLY RESISTED PROPOSAL FOR TWO SEPARATE COMMISSIONS FOR RULE-MAKING AND ENFORCEMENT. HE UNDERSTOOD ARGUMENTS BUT PERSISTED IN HOW OWN VIEW THAT SUCH A COMMISSION WOULD MAKE AUTHORITY TOO EXPENSIVE TO RUN. COMMENT: ENGOS STRONG RESISTANCE ON THIS
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POINT MAKES US WONDER IF HE ISNT COMMITTED ON THIS POINT TO ANOTHER DELEGATION. IN GENEVA AUSTRALIANS STRONGLY OPPOSED OPERATIONS COMMISSION AND IT IS KNOWN THATY THEY WORKED ON TREATY DRAFT WITH ENGO.

G) TRIBUNAL AND COMPULSORY DISPUTE SETTLEMENT:
ENGO APPEARED WILLING TO GO ALONG WITH US ON CHANGES AND ASKED RATINER TO RE-DRAFT ARTICLES AND SEND THEM TO HIM.

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PA-01 PM-04 PRS-01 SP-02 USIA-06 ARA-06 EA-07 /146 W

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P R 090345Z SEP 75

FM AMEMBASSY COLOMBO

TO SECSTATE WASHDC PRIORITY 3364

INFO AMEMBASSY ALGIERS PRIORITY

AMEMBASSY MOSCOW

USUN PRIORITY 397

AMEMBASSY YAOUNDE

C O N F I D E N T I A L SECTION 3 OF 4 COLOMBO 2836

FOR UNDER SECRETARY MAW FROM RATINER AND ESKIN

H) THE INTERPRISE: ENGO SAID HE HAD A "FRIEND"
DRAFTING THE STATUTE OF THE INTERPRISE (WE KNOW IT IS
RATTRAY OF JAMAICA) AND HE INVITED U.S. TO SUBMIT A
DRAFT ALSO. TEAM INDICATED WE MIGHT DO SO IN LIGHT OF
KISSINGER SPEECH WHICH CONTEMPLATES ORGAN FOR DIRECT
EXPLOITATION.

I. FINANCE (ARTICLE &/913:*/.S. TEAM HEAVILY
CRITICIZED FACT THAT THIS ARTICLE PERMITS AUTHORITY TO
MAKE UP OPERATING DEFICIT OF ENTERPRISE BY DIRECT
ASSESSMENT OF STATES. ENGO SEEMED SURPRISED AND RE-READ ARTICLE
SEVERAL TIMES. HE REPLIED THAT WE
MISUNDERSTOOD ARTICLE AND THAT IN ANY CASE IT NOT
INTENDED TO COVER CAPITAL INVESTMENT OF INTERPRISE.WE EXPLAINED THAT
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ARTICLE DOES NOT BEAR ENGO OUT BUT
DISCUSSION WAS INCONCLUSIVE.

9. SYSTEM OF EXPLORATION, BASIC CONDITIONS (ARTICLES
22 AND 23 AND ANNEX I). ENGO STRESSED THAT AUTHORITY
NOT LIKELY TO EXPLOIT IN FORESEEABLE
FUTURE AND EILL OPERATE THROUGH JOINT VENTURES. HE
SAID U. . AND OTHER DEVELOPED COUNTRIES MUST AGREE
IN PRINCIPLE THAT AUTHORITY COULD EXPLOIT ALONE BUT
WE SHOULD HAVE FAITH AND CONSDENCE IN THIRD WORLD
THAT THEY WOULD NEVER EXCLUDE U. . FROM ACCESS TO
RESOURCES. HE MADE SPECIAL POINT OF SAYING THAT
AUTHORITY MUST HAVE FREEDOM TO NEGOTIATE JOINT
VENTURE CONTRACTS AND LIMIT NUMBER TO BE OFFERED.
ARGUING USSR CASE, E SAID THERE MUST BE A SYSTEM FOR
NATIONAL APPORTIONMENT OF MINE SITES TO ENSURE EQUITY.
TEAM POINTED OUT THAT U. . WILL NOT BE ABLE ACCEPT
LESS THAN GUARANTEED RIGHT OF ACCESS, THAT
AUTHORITY CAN NOT HAVE COMPLETE FREEDOM OF NEGOTION OR IT
COULD DENY ACCESS AND THAT QUOTA SYSTEM HURSTS
DEVELOPING COUNTRIES BECASUE IT MAY FREEZE OUT
COUNTRIES OR COMPANIES WHO CAN MINE EFFICIENTLY AND
BRING HIGHER PROFITS TO AUTHORITY. ON THIS
LATTER POINT, ENGO STRESSED THAT LDC'S WILL GO ALONG
BUT WE MUYXYMAKE A COMPROMISE WITH USSR. TEAM INSISTED
THAT U. . CONGRESS AND SIMILAR BODIES IN INDUSTRIALIZED
COUNTRIES WOULD NOT RATIFHMLOS TREATY BASED ON FAITH THAT
LDC'S WILL NEVER EXCLUDE US JUST BECAUSE THEY NEED
OUR TECHNOLOGY, AS ENGO ARGUED. WE ALSO MADE POINT
THAT FAITH IN LDC'S IN INTERNATIONAL ORGANIZATIONS
NOT REALLY WARRANTED AT THIS MOMENT IN TIME AND
THAT LDC'S MUST MAKE GREAT EFFORT IN LOS TO PROVIDE
THROUGH POSITIVE TREATY PROVISIONS THAT THEY ARE
PREPARED TO TREAT INDUSTR
TLLZED COUNTRIES WITH SAME
DEAGREE OF FAIRNESS AND JUSTICE THEY EXPECT OF US.
ENGO DID NOT ACCEPT THIS ARGUMENT BUT DID NOT ARGUE
STRENUOUSLY FOR HIS POINT. ENGO AGAIN RETURNED TO
POINT THAT JOINT VENTURES WERE ONLY PRACTICAL
COMPROMISE BUT COULD NOT BE PUT IN TREATY AS
EXCLUSIVE SYSTEM NOR COULD IT BE PERMANENT SYSTEM.
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FINALLY HE ARGUED THAT LDC'S, LIKE CAMEROON, WOULD
WANT JOINT VENTURES FOR THEMSELVES AND WOULD OPPOSE
DECISION OF AUTHORITY TO GO IT ALONE. HE WAS
PARTICULARLY ANXIOUS TO KNOW WHETHER MANGANESE NODULES
IN THE ATLANTIC WOULD BE EXPLOITED IN NEAR FUTURE.

10. ENGO WAS VERY PLEASED WITH VISIT. SAID HE WANTED TEAM TO RETURN BEFORE JANUARY INTERSESSIONAL MEETING WITH MLE. MARTIN-SANE (FRENCH CI REPRESENTATIVE) AND HOPED U.S. WOULD ENCOURAGE OTHERS TO VISIT HIM IN YAOUNDE AND TELL HIM OF THEIR PROBLEMS. HE PROMISED THAT ON SECOND VISIT OF U.S. TEAM HE WILL ACTIVELY ENTERTAIN CHANGES TO HIS TREATY ON PRIVATE BASIS BUT AGAIN REPEATED CAUTION THAT NO NEW TREATY SHOULD EMERGE BEFORE NEW YORK LOS CONFERENCE SESSION.

11. ENGO INDICATED TO U. S. TEAM THAT USSR HAS BEEN TO SEE HIM IN YAOUNDE AND HAS MADE CLEAR THAT USSR WILL TAKE VERY FORTHCOMING POSITION IN COMMITTEE I IF THEIR OTHER LOS INTERESTS ARE SATISFIED IN CONFERENCE. ENGO STRESSED THAT USSR WILL NOT BE AS DIFFICULT AS U. S. AND THAT THEIR POSITION IN NEW YORK CAN BE EXPECTED TO CHANGE IN MAJOR WAYS IN COMMITTEE I IF COMMITTEE II GOES WELL. HE REFUSED TO SAY WHETHER SOVIETS VISITED IN JULY OR AUGUST (AFTER TOKYO GROUP OF FIVE). HOWEVER, IN SOCIAL MEETINGS ENGO LET SLIP THAT USSR HAS COME TWICE TO CAMEROON TO SEE M. RATINER KNOWS THAT FIRST SOV VISIT TO ENGO WAS JUST BEFORE GENEVA. IT THEREFORE POSSIBLE THAT SOVS WENT TO YAOUNDE AFTER TOKYO GROUP OF FIVE TO FINESSE U.S. VISIT. IN ANY CASE MESSAGE ENGO HAS FROM SOVS PUT U.S. IN EXTREMELY DANGEROUS AND VULNERABLE POSITION IN CI.
COMMENT: A USSR CAVE IN COMMITTEE I WHICH ISOLATES U.S. WILL PRODUCE A TREATY U.S. PROBABLY CANNOT SELL TO ITS CONGRESS AND IS THEREFORE COUNTER-PRODUCTIVE. EVEN IF SOVS NOT PREPARED TO CAVE IN CI IT IS SIGNIFICANT IF ENGO THINKS THEY WILL. IF LDC'S BELIEVE SOVS WILL ULTIMATELY GO ALONG IN CI
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LDC'S WILL NOT COMPROMISE WITH U.S.

12. TEAM HAS FOLLOWING IMPRESSIONS AND COMMENTS ON VISIT.
A) ENGO DID NOT SEEM TO UNDERSTAND SEVERAL IMPORTANT PARTS OF HIS TREATY, INCLUDING ARTICLE 22, WHERE HE WAS COMPLETELY CONFUSED BY THE TEXT, LEADING TO POSSIBLE CONCLUSION THAT ENGO DID NOT WRITE SINGLE NEGOTIATING TEXT.
B) THROUGHOUT VISIT ENGO SEEMED TO LISTEN CAREFULLY AND PATIENTLY TO DETAILED EXPOSITION OF U.S. PROBLEMS WITH HIS TEXT, TAKING A NUMBER OF NOTES AND WITH MINIMUM OF IRRELEVANT AND TIME-CONSUMING INTERRUPTION.

HOWEVER, IT WAS CLEAR THAT, PARTICULARLY TOWARD END
OF VISIT HIS SUBSTANTIVE INTEREST BEGAN TO FADE
AND HE NEVER SHOWED ANY REAL GRASP AT SUBSTANTIVE ISSUES
OR DESIRE TO DO SO.
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ACTION DLOS-04

INFO OCT-01 ISO-00 SS-15 SSO-00 FEA-01 ACDA-05 AGR-05

AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 OFA-01

COME-00 DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01

TRSE-00 H-02 INR-07 INT-05 IO-10 JUSE-00 L-03 NSAE-00

NSC-05 NSF-01 OES-03 OMB-01 PA-01 PM-04 PRS-01 SP-02

USIA-06 AF-06 ARA-06 EA-07 EUR-12 NEA-10 /146 W
----- 022588

P R 090345Z SEP 75
FM AMEMBASSY COLOMBO
TO SECSTATE WASHDC PRIORITY 3365
INFO AMEMBASSY ALGIERS PRIORITY
AMEMBASSY MOSCOW
USUN PRIORITY 398
AMEMBASSY YAOUNDE

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FOR UNDER SECRETARYMAW FROM RATINER AND ESKIN

C) ENGO STILL HAS NO RPT NO REAL INTEREST IN
GRAPPLING WITH THE PROFOUND DIFFICULTIES UNDERLYING
TO CI TEXT. AT MOST HE WANTS TO ACT AS JUDGE AND
DECIDE DISPUTES BETWEEN ADVERSARIES AS HE DID YEARS
AGO IN JUSTICE MINISTRY (ABOUT WHICH HE REMINISCES
CONSTANTLY). HE LOVES TO TELL STORIES OF HIS DAYS
IN "HIS" COMMITTEE. BUT HE NEVER BRAGS ABOUT CLEVER
COMPROMISES HE HIMSELF THOUGHT UP. HE WANTS
DELEGATES TO COME TO HIM FOR DECISIONS AND TO ACCEPT

THOSE DECISIONS, KNOWING THAT HE HAS HEARD THEIR
CASE. ENGO WILL NOT NEGOTIATE. HE WILL RESTRICT
HIMSELF TO THIS ROLE OF JUDGE OR ARBITRATOR. HE CANNOT AND WILL NOT E
NGAGE IN "SHUTLE DIPLOMACY" WHICH MAY BE
INDISPENSABLE TO SUCCESSFUL NEGOTIATIONS.
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D) ENGO IS NOT IN A HURRY. NOTE SHOULD BE TAKEN
OF HIS PERSONAL ESTIMATE THAT TWO SESSIONS IN 1976
WOULD BE NECESSARY WITH "FINAL DETAILS" LEFT TO 1977
SIGNING.

E) ENGO WILL PROBABLY TRY TO STRENGTHEN AND
CONSOLIDATE HIS POWER IN CI BUT EVENTUALLY WILL
PROBABLY DELEGATE AD HOC CHORES TO ONE OF HIS NEWLY
CHOSEN LIEUTENANTS, E.G., RATTRAY OF JAMAICA OR
ADENIJI OF NIGERIA, WHO CAN BE EXPECTED TO WORK WELL
WITH PINTO AND MAY SERVE AS USEFUL BUFFERS BETWEEN
ENGO AND PINTO.

F) ENGO WILL BE SATISFIED WITH HIS ROLE IN CI
IF HE IS CONVINCED THAT HIS PUBLIC SINCERELY BELIEVES
THAT HE IS IN CHARGE.

G) ENGO WILL PROBABLY RETAIN HIS ROLE IN CI AND
MUST TO A DEGREE BE PANDERED TO IF HE IS TO BE
PREVENTED FROM CAUSING MAJOR TROUBLE FOR U. .

H) ENGO WILL NOT ACTIVELY ARRANGE ANY
INTERSESSIONAL WORK BUT WILL PARTICIPATE IN SUCH WORK
IF POSSIBLE AND IF SOMEONE ELSE DOES THE WORK. U. .
MUST PUSH HIM WITHOUT MAKING HIM FEEL PUSHED.

I) ENGO FREQUENTLY DOES NOT REALIZE WHEN HE
LIED OR EXAGGERATES. THIS REQUIRES THAT ANY AGREE-
MENT OR COMMITMENT REPORTED IN FYS CABLE BE
APPROPRIATELY DISCOUNTED.

J) THE POSSIBILITY OF A MAJOR SHIFT IN THE
USSR POSITION MUST BE CONSIDERED AS A DANGEROUS
POSSIBILITY IN LIGHT OF ENGO COMMENTS.

() THE U. . MUST MAKE A SPECIAL EFFORT TO ENSURE
THAT PINTO'S ROLE IS NOT UNDERMINED BY ENGO. PINTO REMAINS
THE ONLY PERSON IN CI IN WHOM ALL SIDES HAVE TRUST AND
CONFIDENCE AND RESPECT FOR HIS INTELLECTUAL ABILITY AND
COMMAND OF THE SUBJECT AND ITS NEGOTIATING HISTORY IN
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INTIMATE DETAIL. IN ANY CASE, ENGO WILL IN ALL PROBABILITY AND UP USING PINTO'S WORK IF IT IS WELL DISGUISED.

L) ENGO WILL ACCEPT SHOLESale REVISIONS IN HIS TEXT INCLUDING CHANGES IN EVERY ARTICLE PROVIDED HE IS GIVEN CREDIT FOR CHANGES AND PROVIDED SOME ONE ELSE DOES THE NEGOTIATING. HE WILL NOT RESIST CHANGES ON GROUNDS OF PRIDE OF AUTHORSHIP. ON OTHER HAND, HE MADE ABSOLUTELY CLEAR THAT HE WILL NOT ACCEPT CHANGES NEGOTIATED IN SMALL GROUPS WHICH HE KNOWS NOTHING ABOUT EVEN IF THESE CHANGES REPRESENT MAJOR AND BROADLY ACCEPTED COMPROMISES.

M) ENGO IS FOR PRACTICAL PURPOSES OUT OF TOUCH WITH THE LOS NEGOTIATIONS WHICH HAVE TAKEN PLACE IN THE LAST YEAR INCLUDING DEVELOPMENTS IN GROUP OF 77. SIGNIFICANTLY, HE SEEMED TO KNOW OR REMEMBER) LITTLE OR NOTHING OF THE U. . BANKING SYSTEM PROPOSAL MADE DURING GENEVA SESSION.

N) ENGO SEEMED GENUINELY TO BELIEVE THAT HIS TEXT REPRESENTS A COMPROMISE BETWEEN LDC AND U. . POSITIONS ACHIEVED ONLY THROUGH A MAJOR EFFORT. HOPEFULLY WE WE HAVE SHAKEN HIS MOSPLACED SELF CONFIDENCE.

O) WHILE TAKING NOTE OF U.S. PROBLEMS WITH HIS TEXT ENGO OBVIOUSLY CONSIDERED MANY OF THESE PROBLEMS OF MINOR TECHNICAL CHARACTER NOT WORTHY OF HIS ATTENTION.

P) WHEN PRESSED ON LARGE NUMBER OF ISSUES IMPORTANT TO U.S. ENGO'S SOLUTION IS NORMALLY TO : (A) RESORT TO VERY GENERAL LANGUAGE, (B) INSIST THAT IN PRACTICE NONE OF U.S. FEARS WILL MATERIALIB BECAUSE AUTHORITY WILL ACT RATIONALLY, AND (C) WHEN NOTHING ELSE WORKS, TO APPEAL TO U.S. LEADERSHIP IN ESTABLISHING INTERNATIONAL UNDERSTANDING.

Q) ENGO OBVIOUSLY THINKS KEY TO DEABED COMPROMISE
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IS PROVISION FOR JOINT VENTURES AND APPEARS NOT TO UNDERSTAND WHY REST OF ISSUES DO NOT FALL INTO PLACE.

R) ENGO SEEMED TO BE UNRESPONSIVE TO ARGUMENTS THAT CERTAIN CHANGES WERE NECESSARY TO MEET U.S. CONGRESSIONAL OR PUBLIC CONCERNS AND HE FORCEFULLY REJECTED ARGUMENT THAT U. . AND OTHER NATIONS CURRENTLY HAVE IMPORTANT RIGHTS WHICH THEY ARE BEING ASKED TO RKIVE UP. HE WAS, HOWEVER, RECEPTIVE TO ARGUMENTS BASED ON PURELY BUSINESS AND COMMERCIAL CONSIDERATIONS.

S) ENGO SHOWED LITTLE INTEREST IN WHOM , HOW, AND BY WHOM ANNEXES TO COMMITTEE I TEXT ON BASIC CONDITIONS, STATUTE OF ENTERPRISE, AND STATUTE OF TRIBUNAL WOULD BE DRAFTER AND NEGOTIATED.

13. THERE IS NO DOUBT THE VISIT WAS WORTH THE EFFORT. ENGO WAS FORCED TO WRK THROUGH HIS TREATY AND HE LEARNED SOMETHING ABOUT IT. HE TOOK THE TIME TO LISTEN TO OUR PROBLEMS--WHICH HE WOULD NOT DO IN GENEVA. HE WAS RECEPTIVE TO WHAT HE PERCEIVED AS MINOR CHANGES IN THE TEXT (THOUGH MANY ARE OF MAJOR IMPORTANCE). HE IS WILLING TO ACCEPT COMPROMISES WHICH ADVERSARIES BRING TO HIM. HE WILL NOW GO ALONG WITH INTERSESSIONAL WORK. FINALLY HE SEEMS READY TO LET PINTO RESUME HIS USEFUL WOK.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, MEETINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 09 SEP 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: SmithRJ
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975COLOMB02836
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750311-0366
From: COLOMBO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750967/aaaachkn.tel
Line Count: 787
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 15
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: SmithRJ
Review Comment: n/a
Review Content Flags:
Review Date: 06 MAY 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <06 MAY 2003 by BoyleJA>; APPROVED <25 SEP 2003 by SmithRJ>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS: TEAM CONSULTATIONS WITH PAUL ENGO IN YAOUNDE
TAGS: PLOS, CE
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006